

Appl. No 10/723,005  
Amdr. dated February 24, 2006  
Reply to Office Action of November 28, 2005

### REMARKS

Applicants have received and carefully reviewed the Office Action mailed November 28, 2005. Claims 1 and 11 have been amended to recite a single shutter that covers both of the gearshift operator and the engine operator such that the gearshift operator and the engine operator cannot be seen from outside the vehicle. Support for this amendment may be found in the paragraph bridging pages 22 and 23 of the instant specification. Claim 2 has been amended for clarity, thereby resolving the Examiner's objection to claim 2. No new matter has been added as a result of these amendments.

Applicants respectfully traverse the Examiner's rejection of claims 5-8 under 35 U.S.C. § 112, second paragraph, as indefinite. Contrary to the Examiner's assertions, claim 5 states that each of the switches is associated with one or more of a plurality of gearshift ranges. As such, the parking switch is associated with at least one of the plurality of gearshift ranges of the transmission and not a plurality of gearshift ranges as the Examiner stated. Therefore, claims 5-8 are believed to be not indefinite. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claim 1 under 35 U.S.C. § 102(b) as anticipated by Brown, U.S. 4,627,514. In order to anticipate, the cited reference must disclose each and every claimed element. Brown fails to do so.

In particular, claim 1 as amended requires a single shutter that covers both of the gearshift operator and the engine operator such that they are not visible from outside the vehicle and cannot be operated. Brown does not disclose the claimed shutter. Instead, Brown discloses an anti-theft device (60) that attaches to a steering column (48) close to a gearshift lever (52) and an engine operator (54). This element, however, does not cover the gearshift lever (52) and the engine operator (54) so that neither are visible from outside the vehicle. Moreover, this element does not prevent operation of either the gearshift lever (52) or the engine operator (54).

Brown fails to disclose a claimed element and thus, for at least this reason, cannot be considered as anticipatory. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 1, 3, 4 and 9 under 35 U.S.C. § 103(a) as unpatentable over Rhodes et al., U.S. 3,465,559, in view of Boersma, U.S. 4,131,173. The Examiner has acknowledged that Rhodes et al. fail to describe a shutter that covers a gearshift operator and an engine operator, but relies upon Boersma to suggest inclusion

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of such an element. One of the requirements of a *prima facie* obviousness rejection is that Examiner must demonstrate that one of skill in the art would be motivated to combine the references. At a minimum, this requirement has not been met.

While Boersma may disclose an instrument panel cover (40) that may be hingedly attached to a dashboard (3), it is noted that Boersma does not expressly describe or disclose a gearshift operator and an engine operator. Thus, Boersma cannot be considered as disclosing or suggesting a cover that is configured to be capable of covering both of a gearshift operator and an engine operator such that neither are visible from outside the vehicle or can be operated. Therefore, there is no motivation to combine Boersma's cover with the structure allegedly disclosed by Rhodes et al.

Moreover, it is noted that Boersma is directed to providing security for construction vehicles and the like, which oftentimes are parked outside and which have no closed operator compartment that can be locked. Boersma is not concerned with providing a cover that hides controls from sight. Rather, Boersma is concerned with preventing physical access to controls. Boersma does not provide any motivation to combine elements of Boersma with elements of Rhodes et al. as suggested by the Examiner. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 5-8 under 35 U.S.C. § 103(a) as unpatentable over Rhodes et al., U.S. Patent No. U.S. 3,465,559, in view of Boersma, U.S. Patent No. 4,131,173, and further in view of Leigh-Monstevents et al., U.S. 5,014,038. Claim 1, from which claims 5-8 depend, has been distinguished above as patentable over the combination of Rhodes et al. and Boersma. Leigh-Monstevents et al. are not believed to remedy the noted shortcomings of the other references. Thus, because claim 1 believed patentable, dependent claims 5-8 are believed similarly patentable. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claim 10 under 35 U.S.C. § 103(a) as unpatentable over Rhodes et al., U.S. Patent No. U.S. 3,465,559, in view of Boersma, U.S. Patent No. 4,131,173, and further in view of Harada et al., U.S. 6,948,469. Claim 1, from which claim 10 depends, has been distinguished above as patentable over the combination of Rhodes et al. and Boersma. Harada et al. do remedy the noted shortcomings of the other references. Thus, because claim 1 is believed patentable, dependent claim 10 is believed similarly patentable. Favorable reconsideration is respectfully requested.

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Applicants respectfully traverse the Examiner's rejection of claims 11 and 13 under 35 U.S.C. § 103(a) as unpatentable over Rhodes et al., U.S. Patent No. 3,465,559, in view of Boersma, U.S. Patent No. 4,131,173, and further in view of Flick, U.S. 6,812,829. The combination of Rhodes et al. and Boersma are distinguished above, with respect to claim 1, as failing in combination to teach the claimed invention in which a single shutter covers both a gearshift operator and an engine operator such that the gearshift operator and the engine operator cannot be seen from outside the vehicle and cannot be operated. Flick does not remedy the noted shortcomings of the other two references, and thus claims 11 and 13 are similarly patentable. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claim 14 under 35 U.S.C. § 103(a) as unpatentable over Rhodes et al., U.S. Patent No. 3,465,559, in view of Boersma, U.S. Patent No. 4,131,173, and further in view of Flick, U.S. 6,812,829 Leigh-Monstevents et al., U.S. 5,014,038. None of these references, either separately or in combination, teach the claimed invention in which a single shutter covers both a gearshift operator and an engine operator such that the gearshift operator and the engine operator cannot be seen from outside the vehicle and cannot be operated. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claim 15 under 35 U.S.C. § 103(a) as unpatentable over Rhodes et al., U.S. Patent No. 3,465,559, in view of Boersma, U.S. Patent No. 4,131,173, and further in view of Flick, U.S. 6,812,829, Leigh-Monstevents et al., U.S. 5,014,038, and Harada et al., U.S. 6,948,469. None of these references, either separately or in combination, teach the claimed invention in which a single shutter covers both a gearshift operator and an engine operator such that the gearshift operator and the engine operator cannot be seen from outside the vehicle and cannot be operated. Favorable reconsideration is respectfully requested.

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Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

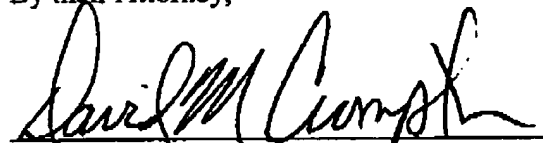
Respectfully submitted,

Takashi Ichikawa et al.

By their Attorney,

Date: \_\_\_\_\_

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